

## **Proposed Changes to Striped Bass Sport Fishing Regulations**

### **Section 1.74, Title 14, CCR. Sport Fishing Report Card and Tagging Requirements.**

(a) Purpose. These regulations address potential concern for overfishing and a lack of recreational fishing effort and catch information in some or all areas where the fishery operates. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

(b) Species and Location Requirements. Individuals fishing for or taking the following species are subject to report card requirements in the following locations described below:

(1) Salmon, in the Klamath-Trinity River System and Smith River only. The Klamath-Trinity River System and Smith River are defined as the anadromous waters of the Klamath, Trinity, and Smith river basins. Anadromous waters are defined in Section 1.04.

(2) Steelhead trout, in all anadromous waters where take is authorized.

(3) White sturgeon, in all areas where take is authorized. Tagging of retained individual sturgeon is also required.

(4) Red abalone, in all areas where take is authorized. Tagging of retained individual abalone is also required.

(5) California spiny lobster, in all areas where take is authorized.

(6) Striped bass at the South Delta Hot Spot.

(c) General Report Card Requirements.

(1) Any person fishing for or taking any of the species identified in this Section shall have in their possession a non-transferable report card issued by the department for the particular species. See special exemption regarding possession of report cards for lobster divers in Section 29.91.

(2) Notwithstanding other statutes and regulations that may exempt sport fishing license requirements, non-transferable report cards are required for any person fishing for or taking the species identified above. All cardholders shall adhere to all reporting and tagging requirements defined in this Section and Sections 5.76, 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 regardless of whether a sport fishing license requirement applies. This provision applies to all of the following persons:

(A) Any person who is under 16 years of age

(B) Any person who is fishing from a public pier

(C) Any person who is fishing on free fishing days

(D) Any person who holds a lifetime fishing license

(3) Persons described in subsections 1.74(c)(2) may purchase report cards without purchasing a license.

(4) All entries made on any report card or tag must be legible and in indelible ink.

(5) Entries Required at the Time of Report Card Issuance. At the time of issuance of the report card, the cardholder is responsible for entry of the following information, unless both the report card and the sport fishing license are issued through the Automated License Data System:

(A) The date the report card is issued, the individual's name, street address, city, state, zip code, home phone, and date of birth shall be entered in the appropriate spaces on the report card. If the cardholder has a driver's license, or DMV identification number, this

information shall also be entered in the appropriate spaces. If the cardholder has an e-mail address, it may be entered in the space provided.

(B) Acquisition of Sturgeon Fishing Report Cards, ~~and Abalone Report Cards, and~~ South Delta Hot Spot Report Cards - If the cardholder is required to have a sport fishing license, the report card number shall be entered in the designated space provided on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.

(C) Acquisition of North Coast Salmon Report Cards, Steelhead Report and Restoration Cards and Spiny Lobster Report Cards - If the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered in the blank area on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.

(D) If the cardholder wishes to purchase another fishing license after their one, two, or ten-day sport fishing license has expired the cardholder need not purchase a second report card for any species, so long as the cardholder still possesses the report card valid for the calendar year. At the time of purchase of the subsequent license, the additional sport fishing license number shall be entered in the appropriate space on the report card. If there is a space provided for the particular card on the sport fishing license, the number shall be entered in the appropriate space at the time of purchase. If there is no space provided for the card, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license.

(6) A report card shall be valid only during the open fishing season for the calendar year shown on the report card.

(7) Cardholders shall return their card by January 31 of the following year to the department at the address specified on the card. Unused South Delta Hot Spot Report Cards need not be returned.

(8) Any person who fails to return his or her report card to the Department by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

(9) For abalone and sturgeon report cards, only one report card may be issued per person per license year.

(10) Report cards may not be transferred to another person and no person may possess any report card other than their own.

(d) Replacement Procedures for Lost Abalone or Sturgeon Report Cards. For species for which an individual may purchase only one report card per year (i.e., abalone and sturgeon), if the cardholder loses the card, a replacement card shall be acquired only by following the procedures below:

(1) The individual shall provide all of the following to a department license sales office:

(A) A photocopy of the original report card issued in the cardholder's name, unless the report card was issued through the Automated License Data System.

(B) An affidavit, signed under penalty of perjury, containing the following information:

1. A statement confirming that the originally issued report card cannot be recovered.
2. A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost, including the number of tags utilized.
3. A statement describing the factual circumstances surrounding the loss of the card.

(C) Proof of purchase of the original report card, in the form of an itemized receipt, credit card billing statement, invoice, or other written business record expressly documenting that a report card for the particular species was purchased and the corresponding fee was paid. The cardholder is exempt from this requirement if the report card was issued through the Automated License Data System.

(D) Payment of the Replacement Card Fee specified in Section 701(f), 701(g) or 701(h) Title 14, CCR, established pursuant to subdivision 1053(b) of the Fish and Game Code, and as adjusted pursuant to Sections 713 and 1055 of the Fish and Game Code.

(E) Payment of the Replacement Processing Fee specified in Section 701(i) or 701(j), Title 14, CCR, established pursuant to subdivision 1050(e) of the Fish and Game Code.

(2) Based on the information provided in the written affidavit, the department shall issue only the number of tags that were reported unused on the previously issued report card.

(3) At the time the replacement card is acquired, if the cardholder is required to have a sport fishing license, the number of the replacement card shall be entered in the appropriate space on the sport fishing license and the fishing license number shall be entered in the space provided on the report card.

(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

(e) Replacement Procedures for Salmon, Steelhead, or Lobster Report Cards.

(1) Any cardholder who fills in all available lines on his or her steelhead, salmon or lobster report card shall return the card to the department at the address specified on the card prior to purchasing a second card.

(2) Any cardholder who loses his or her steelhead, salmon or lobster report card may purchase a second card, but at or before the time of purchase shall provide a written affidavit to the department at the address on the report card documenting the lost catch and effort data required by the card to the best of the cardholder's recollection.

(3) At the time the additional card is acquired, if the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license, and the fishing license number shall be entered in the space provided on the report card.

(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

#### **Section 5.75, Title 14, CCR. Striped Bass.**

(a) Open season: All year except for closures listed in special regulations.

(b) Limit: ~~Two~~6 per day, except in waters listed in ~~(d)~~(e) below.

(c) Possession limit: 12 in possession, except in waters listed in (e) below. Any person taking striped bass pursuant to both Section 5.75(b) and Section 5.75(e)(3) shall not exceed a cumulative possession limit of 52.

~~(e)(d)~~ Minimum size: ~~48~~12 inches total length except in waters listed in ~~(d)~~(e) below.

~~(d)~~(e) Exceptions:

(1) In the Colorado River District, the Southern District (except Lake Elsinore), and New Hogan, San Antonio and Santa Margarita lakes.

(A) Limit: ~~Ten~~10.

(B) Minimum size: No size limit.

(2) Lake Elsinore ~~has the limit and minimum size shown in (b) and (c) above.~~

(A) Limit: 2 per day.

(B) Minimum size: 18 inches total length.

(3) South Delta Hot Spot (Clifton Court Forebay; West Canal between (a) the northern-most confluence with Old River at the southern-most point of Victoria Island and (b) the southern-most West Canal confluence with Old River at the southern-most point of Coney Island; and south on Old River between its southern-most confluence with West Canal and the Tracy Fish Collection Facility Debris Boom).

(A) Limit: 20 per day. No person shall take striped bass pursuant to this subsection while in immediate possession of striped bass taken pursuant to Section 5.75(b) or Section 27.85. No person shall take striped bass pursuant to Section 5.75(b) or Section 27.85 while in immediate possession of striped bass taken pursuant to this subsection.

(B) Minimum size: No size limit.

(C) Possession limit: 40 in possession. Any person taking striped bass pursuant to both Section 5.75(b) and Section 5.75(e)(3) shall not exceed a cumulative possession limit of 52.

(D) Report Card Requirement: Any person taking and/or possessing striped bass pursuant to the bag and size limits in this section shall have in his or her possession a nontransferable South Delta Hot Spot Report Card issued by the department and shall adhere to all requirements set forth in Sections 1.74 and 5.76.

~~(e)~~(f) For the purpose of these regulations, any striped bass hybrid with white bass is considered to be striped bass.

#### **Section 5.76, Title 14, CCR. South Delta Hot Spot Report Card.**

(a) All anglers must have a South Delta Hot Spot Report Card in their possession while taking and possessing striped bass pursuant to the bag and size limits in Section 5.75(e)(3).

(b) Anglers shall complete the report card, remove and retain the receipt, and deposit the report card (not the receipt) in one of the South Delta Hot Spot report card receptacles prior to transporting striped bass taken pursuant to Section 5.75(e)(3) on any public road or waterway outside the South Delta Hot Spot.

(c) Any person taking striped bass at the South Delta Hot Spot who fails to deposit a report card and retain the receipt as required by this section shall be subject to the bag, possession, and size limits of Section 5.75(b)-(d) rather than the more permissive limits of Section 5.75(e)(3).

(d) Recording Requirements. Upon retaining or releasing a striped bass taken at the South Delta Hot Spot, the cardholder shall immediately record in designated spaces on the report card the month, day, time, fishing location, length of the fish, and the number of any DFG disk tag on the fish.

**Section 701, Title 14, CCR. Sport Fishing Forms and Fees.**

- (a) Declaration for Multi-Day Fishing Trip (FG 935 (rev. 09/08)), incorporated by reference herein \$5.25
- (b) 2010 North Coast Salmon Report Card (FG 684 (rev. 09/09)), incorporated by reference herein \$5.50
- (c) 2010 Sturgeon Fishing Report Card (FG 683 (rev. 09/09)), incorporated by reference herein \$0.00
- (d) 2009 Spiny Lobster Report Card (FG 685 (rev. 9/08)), incorporated by reference herein \$8.00
- (e) 2009 Abalone Report Card (FG 2915 (rev. 09/08)), incorporated by reference herein Duplicate Fee \$8.75
- (f) 2009 Sturgeon Fishing Report Card Duplicate Fee \$0.00
- (g) 2009 Replacement Processing Fee for a 2009 Abalone Report Card \$7.50
- (h) 2009 Replacement Processing Fee for a 2009 Sturgeon Fishing Report Card \$7.50
- (i) 2010 Steelhead Fishing Report and Restoration Card (FG 682 (rev. 09/09)), incorporated by reference herein (per Section 7380(b) Fish and Game Code)
- (j) 2010 South Delta Hot Spot Report Card (FG INSERT NUMBER (rev. INSERT DATE), incorporated by reference herein Fee \$0.00.
- ~~(j)~~(k) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlements required by regulations set forth in this section.

**Section 7.50, Title 14, CCR. Alphabetical List of Waters with Special Fishing Regulations.**

<b>Alphabetical List of Waters with Special Fishing Regulations</b>		
<i>Area or Body of Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(37) Carmel River below Los Padres Dam. (Monterey Co.).		
(A) Carmel River tributaries below Los Padres Dam and main stem from Los Padres Dam to the bridge at Robles Del Rio/Esquiline roads (Rosie's Bridge).	Closed to all fishing all year.	
(B) Carmel River main stem <del>from below</del> the bridge at Robles Del Rio/Esquiline roads (Rosie's Bridge) <u>to the bridge at Highway 1.</u> Also, see Section 8.00 (c).	Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only artificial lures with barbless hooks may be used.	<u>0 trout, steelhead or salmon</u> <u>6 striped bass per day and 12 striped bass in possession. Striped bass minimum size of 12 inches total length.</u>
(C) Carmel River main stem <u>below the bridge at Highway 1.</u> Also, see Section 8.00 (c).	<u>Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only artificial lures with barbless hooks</u>	<u>0 trout, steelhead or salmon</u> <u>6 striped bass per day and 12 striped bass in possession. Striped bass minimum size of 12 inches total length.</u>

	<u>may be used.</u>	
(135) Pajaro River		
<u>(A) From mouth to the Highway 1 bridge.</u>	<u>Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.</u>	<u>0 trout, steelhead or salmon</u> <u>6 striped bass per day and 12 striped bass in possession. Striped bass minimum size of 12 inches total length.</u>
<u>(B) (Monterey, Santa Clara, Santa Cruz and San Benito Cos.) from mouth the Highway 1 bridge to Uvas Creek. Also see Section 8.00(c).</u>	<u>Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.</u>	0
(158) Salinas River and tributaries (Monterey and San Luis Obispo Cos.). Also see Section 8.00(c).		
<u>(A) From mouth to the Highway 1 bridge.</u>	<u>Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.</u>	<u>0 trout, steelhead or salmon</u> <u>6 striped bass per day and 12 striped bass in possession. Striped bass minimum size of 12 inches total length.</u>
<u>(B) The main stem Salinas River from the Highway 1 bridge.</u>	<u>Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.</u>	0
<del>(B)</del> <u>(C) All Salinas River tributaries upstream of Arroyo Seco River confluence (including the San Antonio River below San Antonio Reservoir and Dam, Paso Robles Creek and tributaries, Atascadero Creek, Santa Margarita Creek and tributaries but excluding the Nacimiento River) See 7.50(b)(128).</u>	<u>Last Saturday in Apr. through Nov. 15. Only barbless hooks may be used.</u>	0 trout

### **Section 8.00, Title 14, CCR. Low-Flow Restrictions.**

(c) South Central Coast Streams - Special Low Flow Closures:

\* \* \*

(8) The Carmel River main stem, and the adjacent waters of San Jose shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 80 cfs. Notwithstanding the foregoing, fishing for striped bass is permitted West of Highway 1 (See Sections 5.75 and 7.50(37)(C)) on Sat., Sun., Wed., legal holidays and opening and closing days from Dec. 1 through Mar. 7. Only barbless hooks may be used.

(9) The waters of San Jose, Gibson, Malpaso, and Soberanes creeks that are West of Highway 1 (Monterey Co.), shall be closed to all fishing when the department determines that the flow at the U.S.G.S. gauging station near Carmel is less than 80 cfs.

~~(9)~~(10) The Big Sur River main stem west of the Highway 1 bridge, all of Limekiln Ck and its tributaries, and the anadromous portions of all other Big Sur Coast streams West of Highway 1 in Monterey Co., from Granite Ck. south to Salmon Ck., shall be closed to all fishing when the department determines that the flow at the U.S.G.S. gauging station on the Big Sur River is less than 40 cfs.

\* \* \*

**Section 27.85, Title 14, CCR. Striped Bass.**

(a) Open season: All year.

(b) Limit: ~~Two~~6 per day.

(c) Possession limit: 12 in possession. Any person taking striped bass pursuant to both Section 27.85(b) and Section 5.75(e)(3) shall not exceed a cumulative possession limit of 52.

~~(e)~~(d) Minimum size:

(1) North of Pt. Conception, ~~18~~12 inches total length.

(2) South of Pt. Conception, no minimum size limit.

~~(d)~~(e) Methods of take: No striped bass may be taken while using a sinker weighing over four pounds, or while using any power driven gurdy or winch. Striped bass may only be taken by angling as defined in Section 1.05, Title 14, CCR; snagging is an illegal method of take.